

Art Unit: 2623  
U.S. Patent Application Serial No.: 09/784,9051  
Examiner: S. Beliveau  
Response to March 26, 2007 Office Action

### **REMARKS**

In response to the final Office Action dated March 26, 2007, the Assignee respectfully requests continued examination and reconsideration based on the above amendments and the on following remarks. The Assignee respectfully submits that the pending claims distinguish over the cited references to *Knudson '141*, *NFL.com*, *Swix*, *Knudson '937*, and *Ellis*, whether considered alone or in combination.

Claims 1-20 are pending in this application. Claims 21-29 were previously canceled without prejudice or disclaimer.

### **Telephone Interview**

Examiner Beliveau is thanked for the telephone interview of May 30, 2007. In this interview, Examiner Beliveau was receptive to an electronic programming guide "*having a second mode in which inputs to the navigator scroll from an event to the event between different packages*" (emphasis added). Examiner Beliveau also suggested that the "wherein" language be removed from the independent claims. The Assignee has adopted this suggestion.

### **Rejections of Claims 1-4, 7-11 & 14-20 under §103(a)**

Claims 1-4, 7-11, and 14-20 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,016,141 to Knudson, *et al.* in view of "NFL.COM: 1997 regular season to get August start" (hereafter "*NFL.COM*"), in view of PCT Publication No. WO 00/14954 to Swix, *et al.*, and further in view of U.S. Patent Application Publication 2006/0095937 to Knudson, *et al.*

Claims 1-4, 7-11, and 14-20, however, cannot be obvious. These claims recite, or incorporate, features that are not disclosed by the combined teaching of *Knudson '141*, *NFL.com*,

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*Swix*, and *Knudson '937*. Independent claim 1, for example, recites "*the electronic programming guide having a second mode in which inputs to the navigator scroll from an event to the event between different packages*" (emphasis added). Support for such features may be found in the as-filed application at page 9, line 12 (in "the second viewing mode, the subscriber can scroll amongst event cells within the same package or between packages"). The combined teaching of *Knudson '141*, *NFL.com*, *Swix*, and *Knudson '937* fails to teach or suggest at least these features. *Knudson '141* discloses an interactive EPG for purchasing program events that are part of one or more packages. See U.S. Patent 6,016,141 to *Knudson, et al.* (January 18, 2000) at Abstract and column 1, lines 5-10 and lines 55-65. As the Office Action concedes, however, *Knudson* does not disclose or suggest the use of a "*first mode*" and a "*second mode*," as recited in each of the pending independent claims. *NFL.COM* is a news bulletin that merely discloses a list of games available for viewing over a 17 week season followed by a post-season. The games are scheduled at different times and are available via different broadcast facilities. *NFL.COM* is not applied for, and does not disclose or suggest, any means of selecting a game based on a "*first mode*" and a "*second mode*," as recited in each of the pending independent claims. *Knudson '937* describes categories of programming, but again does not disclose or suggest a "*first mode*" and a "*second mode*," as recited in each of the pending independent claims.

Examiner Beliveau then applies *Swix* to cure these deficiencies. When *Knudson '141*, *NFL.com*, *Swix*, and *Knudson '937* are combined, as Examiner Beliveau proposes, the proposed combination teaches a user interface from which a user may select topics of programming. See, e.g., PCT Publication No. WO 00/14954 to *Swix, et al.* (Mar. 16, 2000) at page 3, lines 15-17. Examiner Beliveau interprets *Swix*'s topic list as the claimed "*first mode*." When the user selects a topic from the list, one or more programs related to that topic are "highlighted on the user interface." *Id.* at page 3, line 17. See also at page 5, lines 14-18; and at page 15, lines 3-10. The user may then scroll between channels and programs related to the selected topic. See *id.* at page 16, line 29 through page 17, line 7. Examiner Beliveau then interprets *Swix*'s topic-related programming as the claimed "*second mode*."

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The proposed combination, however, cannot obviate the claims. All the independent claims recite "*the electronic programming guide having a second mode in which inputs to the navigator scroll from an event to the event between different packages*" (emphasis added). If Examiner Beliveau interprets Swix's topic-related programming as the claimed "*second mode*," then Swix cannot allow scrolling "*from an event to the event between different packages*." Swix only teaches scrolling amongst programming in the same topic. Swix does not teach or suggest scrolling between events in different topics.

Claims 1-4, 7-11, and 14-20, then, cannot be obvious. The combined teaching of Knudson '141, NFL.com, Swix, and Knudson '937 does not teach or suggest "*the electronic programming guide having a second mode in which inputs to the navigator scroll from an event to the event between different packages*" (emphasis added). Because the proposed combination fails to teach or suggest at least these features, one of ordinary skill in the art would not think that independent claims 1, 8, 10, and 15 are obvious. The respective dependent claims incorporate the same features and recite additional features. Claims 1-4, 7-11, and 14-20, then, cannot be obvious, so Examiner Beliveau is respectfully requested to remove the § 103 (a) rejection of these claims.

#### **Rejections of Claims 5-6 & 12-13 under §103(a)**

Claims 5-6 and 12-13 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Knudson '141, NFL.com, Swix, and Knudson '937, and further in view of U.S. Patent 6,604,240 to Ellis, *et al.* Ellis discloses an interactive television program guide system in which a service provider customizes the type of listing information made available to a user in order to help the service provider promote programming. Still, though, Ellis does not disclose or suggest a "*first mode*" and a "*second mode*," as recited in each of the pending independent claims. Because claims 5-6 and 12-13, respectively depend from independent claims 1 and 10, these claims incorporate the same distinguishing features, such as "*the electronic programming guide having a second mode in which inputs to the navigator scroll from an event to the event between different packages*" (emphasis added). Because the proposed combination fails to teach or

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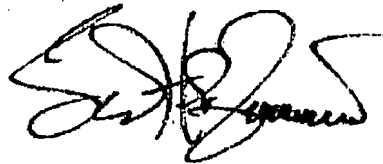
suggest at least these features, one of ordinary skill in the art would not think that claims 5-6 and 12-13 are obvious. Claims 5-6 and 12-13, then, cannot be obvious, so Examiner Beliveau is respectfully requested to remove the § 103 (a) rejection of these claims.

### CONCLUSION

In view of the above, the Assignee submits that all pending claims are patentable. Accordingly, a prompt Notice of Allowance of claims 1-20 is respectfully solicited.

Of course, if the Examiner determines that anything further is desirable to place this application in even better form for allowance, the Examiner is invited to contact the Assignee's representative at (919) 469-2629 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

Respectfully submitted,



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